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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/036,454	01/07/2002	Shoji Nishikawa	05905.0155	4922
22852	7590	09/07/2006	EXAMINER	
FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER LLP 901 NEW YORK AVENUE, NW WASHINGTON, DC 20001-4413			WILDER, PETER C	
			ART UNIT	PAPER NUMBER
			2623	

DATE MAILED: 09/07/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/036,454

Applicant(s)

NISHIKAWA ET AL.

Examiner

Peter C. Wilder

Art Unit

2623

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 11 August 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-39 is/are pending in the application.
- 4a) Of the above claim(s) 1-31 and 36-39 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 32-35 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

### **DETAILED ACTION**

Claims 1-31 and 36-39 are withdrawn.

Claims 32 and 34 are currently amended.

Claims 33 and 35 are original.

### ***Response to Arguments***

Applicant's arguments with respect to claims 32 and 34 have been considered but are moot in view of the new ground(s) of rejection.

The applicant argues on page 19 starting lines 4 that Nishikawa fails to teach "wherein, when receiving means is receiving data regarding a content to be updated, the display means performs display processing to display a selection screen of the content to be updated in a different manner from a selection screen of other received content,". See the new rejection of claims 32 and 34 below.

The applicant argues on page 20, "wherein, when receiving means is receiving data regarding a content to be updated, the display means performs display processing to display a selection screen of the content to be updated in a different manner from a selection screen of other received content,". See the new rejection of claims 32 and 34 below.

On page 20 start of the last paragraph the applicant states, "Claims 33 and 35 respectively depend from claim 32 and 34, and thus require all of the elements recited in claims 32 and 34." The current status identifiers state that claims 33 and 35 are independent claims and claims 33 and 35 are also labeled as original. Also, if claims 33 and 35 were dependent from claims 32 and 34 respectively issues would arise from claims 32 and 34 claiming a device and claims 33 and 35 claiming a method.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 32- 35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nishikawa et al. (U.S. 6481010 B2) in view of Blackwell et al. (U.S. 6449654 B1).

Referring to claim 32, Nishikawa teaches a data receiving device (Figure 1 and Column 3 lines 43-45) comprising:

receiving means for receiving a content broadcasted in one direction by a broadcasting transmission system using a ground wave (Figure 1 element 20 and

Column 3 lines 48-49 teaches an antenna which would receive a wave signal/content traveling parallel to the ground and Column 6 lines 52-56 teaches downloading program guide information and Figure 7 element 566 and Figure 9 and Column 11 lines 56-67 teaches content that is are sports scores in a sports ticker); and

display means for displaying a selection screen of the received content (Figure 7 element 566 and Figure 9 and Column 11 lines 56-67 teaches content that is a sports scores),

wherein, the display means performs display processing to display a selection screen of the content to be updated in a different manner from a selection screen of other received content (Column 3 lines 61-66 and Figure 1 element 12 teaches a processor and element 566 and Figure 9 and Column 11 lines 56-67 teaches content that is are sports scores and Column 6 lines 52-56 teaches downloading program guide information periodically; Figure 13 element 660 and Column 14 lines 20-39 teaches content displayed in a different manner than content in Figure 7).

Nishikawa fails to teach wherein when the receiving means is receiving data regarding a content to be updated performs display processing.

In an analogous art Blackwell teaches wherein when the receiving means is receiving data regarding a content to be updated performs display processing (Column 14 lines 45-54 teaches continuously updating sports scores which means that the scores/data for a game can be displayed as content on the screen at the same time the scores/data are being received, Column 15 lines 16-26; Column 16 lines 23-27 teaches a set-top-box does processing to display data on a display).

At the time the invention was made it would have been obvious for one skilled in the art to modify the displaying of received content in two manners function/device of Nishikawa using the continuous update and display function/device of Blackwell for the purpose of always keeping a viewer up to date on the score of a game that changes very frequently such as a basketball game.

Referring to claim 33, Nishikawa teaches a selection screen displaying method for displaying (Figure 13 teaches a selection screen), at the time of displaying a selection screen of a received content (Figure 7 element 566 and Figure 9 and Column 11 lines 56-67 teaches content that is a sports ticker) which has been broadcasted in one direction by a broadcasting transmission system by means of a ground wave (Figure 1 element 20 and Column 3 lines 48-49 teaches an antenna which would receive a wave signal traveling parallel to the ground), a selection screen of the content to be updated (Figure 7 element 566 and Column 6 lines 53-56 teaches all data is updated) in a different manner from a selection screen of the other received content (Figure 13 element 660 and Column 14 lines 20-39 teaches content displayed in a different manner than content in Figure 7) while receiving data regarding the content to be updated (Figure 7 element 566, Column 11 lines 56-67 and Column 12 lines 1-6 and Figure 9 teach a ticker that can display sports scores and can be selected)

Nishikawa fails to teach displaying received content while receiving data regarding the content to be updated.

In analogous art Blackwell teaches displaying received content while receiving data regarding the content to be updated (Column 14 lines 45-54 teaches continuously updating sports scores which means that when the scores are displayed they can also be updated and column 15 lines 16-26).

At the time the invention was made it would have been obvious for one skilled in the art to modify the displaying of received content in two manners function/device of Nishikawa using the continuous update and display function/device of Blackwell for the purpose of always keeping a viewer up to date on the score of a game that changes very frequently such as a basketball game.

Referring to claim 34 Nishikawa teaches a data receiving device (Figure 1 and Column 3 lines 43-45) comprising:

receiving means for receiving a content broadcasted in one direction via a cable network (Figure 1 element 20 and Column 3 lines 48-54 teaches an antenna which would receive a wave signal/content traveling parallel to the ground from a cable station so the content has to come from a cable network Column 6 lines 52-56 teaches downloading program guide information and Figure 7 element 566 and Figure 9 and Column 11 lines 56-67 teaches content that is are sports scores in a sports ticker); and

display means for displaying a selection screen of the received content (Figure 7 element 566 and Figure 9 and Column 11 lines 56-67 teaches content that is a sports ticker),

wherein, the display means performs display processing to display a selection screen of the content to be updated in a different manner from a selection screen of other received content (Column 3 lines 61-66 and Figure 1 element 12 teaches a processor and element 566 and Figure 9 and Column 11 lines 56-67 teaches content that are sports scores and Column 6 lines 52-56 teaches downloading program guide information periodically; Figure 13 element 660 and Column 14 lines 20-39 teaches content displayed in a different manner than content in Figure 7).

Nishikawa fails to teach wherein when the receiving means is receiving data regarding a content to be updated performs display processing.

In an analogous art Blackwell teaches wherein when the receiving means is receiving data regarding a content to be updated performs display processing (Column 14 lines 45-54 teaches continuously updating sports scores which means that the scores/data for a game can be displayed as content on the screen at the same time the scores/data are being received, Column 15 lines 16-26; Column 16 lines 23-27 teaches a set-top-box does processing to display data on a display).

At the time the invention was made it would have been obvious for one skilled in the art to modify the displaying of received content in two manners function/device of Nishikawa using the continuous update and display function/device of Blackwell for the purpose of always keeping a viewer up to date on the score of a game that changes very frequently such as a basketball game.



Referring to claim 35 Nishikawa teaches a selection screen displaying method for displaying (Figure 13 teaches a selection screen), at the time of displaying a selection screen of a received content (Figure 7 element 566 and Figure 9 and Column 11 lines 56-67 teaches content that is a sports ticker) which has been broadcasted in one direction via a cable network (Figure 1 element 20 and Column 3 lines 48-54 teaches an antenna which would receive a wave signal/content traveling parallel to the ground from a cable station so the content has to come from a cable network Column 6 lines 52-56 teaches downloading program guide information and Figure 7 element 566 and Figure 9 and Column 11 lines 56-67 teaches content that is a sports ticker), a selection screen of the content to be updated (Figure 7 element 566 and Column 6 lines 53-56 teaches all data is updated) in a different manner from a selection screen of the other received content (Figure 13 element 660 and Column 14 lines 20-39 teaches content displayed in a different manner than content in Figure 7) while receiving data regarding the content to be updated (Figure 7 element 566, Column 11 lines 56-67 and Column 12 lines 1-6 and Figure 9 teach a ticker that can display sports scores and can be selected)

Nishikawa fails to teach displaying received content while receiving data regarding the content to be updated.

In analogous art Blackwell teaches displaying received content while receiving data regarding the content to be updated (Column 14 lines 45-54 teaches continuously updating sports scores which means that when the scores are displayed they can also be updated and column 15 lines 16-26).

At the time the invention was made it would have been obvious for one skilled in the art to modify the displaying of received content in two manners function/device of Nishikawa using the continuous update and display function/device of Blackwell for the purpose of always keeping a viewer up to date on the score of a game that changes very frequently such as a basketball game.

### ***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Peter C. Wilder whose telephone number is 571-272-2826. The examiner can normally be reached on 8 AM - 4PM Monday - Friday.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Grant can be reached on (571)272-7294. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

PW

  
HAI TRAN  
PRIMARY EXAMINER